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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,122	07/27/2001	David E. Halasz	72255/05451	2229

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EXAMINER

REID, CHERYL M

ART UNIT PAPER NUMBER

2142

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/917,122

Applicant(s)

HALASZ ET AL.

Examiner

Cheryl M. Reid

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-22 and 25-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-22 and 25-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-2, 5-20, 21-22, 25-35 have been examined.
2. Applicant's reply and compliance with the Requirement of Information request as been made of record.

### ***Response to Arguments***

3. Applicant's arguments with respect to claim 1-35 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

4. Claims 2-3 and 11 are objected to because of the following noted minor informalities. In this case, these claims (at least) make use of non-obvious acronyms. These are suggested to be spelled-out where initially recited. For example, claim 11, recites "RADIUS server," it is suggested using "Remote Access Dial-In User Service (RADIUS)," same rationale is applicable to "MS-MPPE-Send-Key" on claim 2 and WEP on claim 3. Applicant is urged to review other claims for this or similar deficiencies.
5. The use of the trademark PC in claim 16 has been noted in this application. It is suggested that Applicant should use "personal computer" instead. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

***6. Claims 1 and 21 have rejected under 35 U.S.C. 103(a) as being unpatentable over Patel (US 6243811) hereinafter Patel and Sherer et al (US 6115376) hereinafter Sherer , and further in view of Schneirer et al (US 20020087882) hereinafter Schneirer.***

7. In regards to claims 1 and 21 Patel teaches of directing a packet from a supplicant.... (Fig 3, Col 2, lines 14-16), receiving a network response packet....( Fig 3, Col 2, lines 14-16), determining whether the access point is one of a valid....(Col 2, lines 44-66). Patel does not explicitly teach of the remaining limitations. In an analogous art, Sherer teaches of authenticating through a valid access point to the network (col 2, lines 45-50, col 4, lines 35-40, 50-55, 60-65) wherein the valid access point is the intermediate device fig 1, item 10). Sherer does not explicitly teach of the remaining limitations. In an analogous art, Schneirer teaches of reporting the rogue access point to the network through the valid access point (Paragraph [0061]). It should be noted that although Schneirer does not explicitly state that the reporting was done over the network, his invention has this capability because he teaches of sending alerts

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to service personnel (Paragraph [0063]). One of ordinary skill in the arts at the time of invention would have been motivated to make the modification because it would allow the service personnel (network administrator) to have location mobility. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the above teachings because the inventions are analogous arts are relating to providing or increasing network security. One of ordinary skill in the arts at the time of invention would have been motivated for the reasons discussed by Sheerer (col 1, lines 45-65).

8. In regards to claims 2,5-6, 8-10, 14, 16,19, 22, 25- 29 and 34, the rejection was set forth in the previous office action mailed on 11/12/2004.

**9. Claims 7,11-13, 17, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel , Sherer and Schneirer as applied to claim 1 above, and further in view of Zhang.**

10. In regards to claims 7,11-13, 17, and 30-33, the rejection was set forth in the previous office action mailed on 11/12/2004.

**11. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patel , Sherer and Schneirer as applied to claim 1 above, and further in view of D'Souza.**

12. In regards to claims 18, the rejection was set forth in the previous office action mailed on 11/12/2004.

**13. *Claims 15, 20 and 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Patel Sherer and Schneirer as applied to claim 1 above, and further in view of Ayyagari.***

14. In regards to claims 15, 20 and 35, the rejection was set forth in the previous office action mailed on 11/12/2004.

#### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr

  
BEATRIZ PRIETO  
PRIMARY EXAMINER